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SENSITIVE
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EUR/SCE (FOOKS, STINCHCOMB), INL (CARROLL, SIMIC), S/WCI (VIBUL-JOLLES), INR (MORIN), EUR/ACE (KEETON); DOJ PASS TO ICITAP (TREVELIIAN,ZIMMON,DUCOT) AND OPDAT (ALEXANDRE)

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TAGS: [PGOV](#) [PREL](#) [EAID](#) [EFIN](#) [KAWC](#) [KCRM](#) [KJUS](#) [BK](#)
SUBJECT: BOSNIA - INL-FUNDED PROGRAM UPDATE: ENGAGING IN DIALOGUE

¶1. (U) Summary: The International Criminal Investigative Training Assistance Program (ICITAP) and the Overseas Prosecutorial Development and Assistance Training Program (OPDAT) engage Bosnian interlocutors in discussions about needed reforms in law enforcement and the judiciary to advance our rule of law agenda in Bosnia, in addition to training and advising on specific technical issues. ICITAP and OPDAT must take into account divisions among Bosnia's three constituent peoples (Bosniaks, Serbs, and Croats) and the mistrust and divisions among officials working in fourteen jurisdictions (State, the Federation, the Federation's ten cantons, the Republika Srpska, and Brcko District). They must also take into account personalities, other donors and multilateral institutions (such as the EU and bilateral EU missions), and the need for greater inter/intra agency cooperation and coordination and to strengthen State-level institutions, which remains a top Embassy priority. What follows is a review of some initiatives and discussions underway as a direct result of ICITAP's and OPDAT's engagement in Bosnia. End Summary

ICITAP Boosts Cooperation, Coordination

¶2. (U) Thanks to an ICITAP-sponsored September 2008 study trip for law enforcement officials to the U.S., communication and cooperation between and within law enforcement agencies continue to improve. One indicator of this positive trend is the success of the Operational Counter Terrorism Task Force formed in May to deal with individuals posing a threat to Bosnia's national security. Since that time, the Task Force has held five meetings in which individuals posing a threat were identified and operations were designed to monitor their activities.

¶3. (SBU) As a result of the cooperation among law enforcement agencies participating in the task force (BiH Minister of Security, the State Border Police, the State-level Foreigners Affairs Service, the Federation Ministry of Interior, the Republika Srpska Ministry of Interior, the Brcko District Police, the State Prosecutor's Office, and the BiH Intelligence Agency), seven individuals have been arrested and transferred to the BiH Immigration Center pending deportation. The Task Force has determined that five other individuals of interest have departed Bosnia on their own initiative after being informed of pending arrest warrants against them. The Task Force is also targeting thirteen other individuals who have been added to the list of threats to national security as well as five other individuals who have had their Bosnian citizenship revoked. Notably, during a July 20-21 meeting of the Executive Communication, Cooperation, and Coordination Law Enforcement Principals Meeting, attendees reviewed the work of the CT Task Force and based on the success of the task

force, decided to establish two additional task forces to be hosted by the RSMUP and SIPA.

¶14. (U) With ICITAP's support, the RSMUP has begun working with Sarajevo Cantonal Police to address Organized crime Auto-Theft mafias working in the greater Sarajevo region. They had their first success with the July 29 arrest of the suspected head of an auto-theft group who is also a person of interest in several unsolved "mafia war" murders that occurred in the past year. Another notable development is SIPA's plans to develop a task force with the RS Police, Tuzla Canton Police, and the State Border Police that will focus on drug trafficking in the northeastern part of the country.

¶15. (U) ICITAP has also been participating in an inter-agency working group tasked by the Council of Ministers to propose an effective data exchange system among law enforcement agencies and required legislation, which is an EU requirement for Bosnia's entry into a visa liberalization regime. In its past three meetings, the working group focused on the location of the exchange server. RS representatives proposed that the server be located at the Network Operations Center within the Ministry of Civil Affairs and the Communications Agency for Identification Documents (IDDEEA) in Banja Luka, while representatives from the Federation and Brcko Districts law enforcement agencies thought that the server should be located at the Agency for Coordination of Police Boards using the premises of the Network Operations Center (NOC) 2 in the BiH Minister of Security in Sarajevo. Given these diverging opinions, ICITAP proposed that all data passing through the exchange server should be encrypted by the source agencies, which would make

the location of the exchange server irrelevant (though it believes that the server should be located at one of the agencies under the Ministry of Security umbrella, so that the Ministry of Security could be further strengthened). The proposal was accepted by all members of the working group.

ICITAP's Post Bomb Blast Training

¶16. (U) On July 20-31, ICITAP, in partnership with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), presented a two-week Post Bomb Blast training course in Sarajevo for 28 participants from the State Investigative and Protective Agency (SIPA), and the Federation and the Republika Srpska Ministries of Interior (FMUP and RSMUP), respectively. The course provided hands-on instruction to the group of crime technicians, investigators, and members of Explosive Ordnance Disposal (EOD) teams on information they need to conduct an effective post bomb blast investigation. This includes the types of explosives and fuses they may encounter, officer safety issues, and techniques they should employ.

OPDAT Advocating Needed Reforms

¶17. (U) OPDAT is leading efforts to explore the possibility of introducing the use of electronic bracelets to monitor the movements of less serious offenders who are released from custody due to the lack of space. The issue is gaining more attention among judicial officials given the need for prison reform in light of the recent disappearance of a high-profile prisoner from the Qonica prison (Karray Kamal bin Ali) and the May 2007 escape of Radovan Stankovic from the Foca prison (the first case transferred from the International Tribunal for the Former Yugoslavia, ICTY, to Bosnia for prosecution). The attention is also gaining attention as a result of the significant number of individuals who have released from prison -- over 1200 in the Federation -- due to the lack of space. As a result of a May 2009 study trip to the U.S., the President of the Sarajevo Municipal Court has become a leading supporter of legislation to introduce the use of electronic bracelets and is seeking support from local

actors. OPDAT met with the Court President on July 3 to continue discussions on the topic, and also had discussions with a representative of an Israel-based company that is willing to share information about electronic bracelets in hopes that these talks will generate interest and boost efforts to draft needed legislation. OPDAT will work with ICITAP and other members of the Embassy's Security Working Group to further examine and address this focus area.

¶18. (U) During a July 14 session of the working group that is producing amendments to the Criminal Code, in which OPDAT participates as an observer, OPDAT suggested that the working group consider taxing illegal income. Many of the working members supported the idea, although they noted some politicians may resist including it in amendments to the Criminal and the Criminal Procedure Codes. Also, as a result of OPDAT's oft-repeated message that individuals working on economic crimes and corruption cases must also consider financial crime aspects from the start of investigations, the Deputy Director of the State Prosecutor's Special Department for Organized Crime is now working on draft legislation to tax income from all sources.

¶19. (U) While it did not sponsor training this month, OPDAT met on July 23 with a representative of the United Nations Interregional Crime and Justice Research Institute (UNICRI) to discuss possible partnerships on future training programs. UNICRI is partnering with OSCE on a three-year project to transfer best practices learned from the ICTY to Bosnia and other countries in the region. It hosted a well-attended international conference for educators and practitioners in Sarajevo on June 15-16, during which it launched an "ICTY Manual on Developed Practices," which, among other things, provides guidelines for effective training on the processing of war crimes cases and related issues. OPDAT has reviewed the manual and has determined that it is a useful tool to assist those who prosecute and adjudicate war crimes cases. UNICRI representatives agreed to coordinate and co-sponsor training with OPDAT in an effort to reduce costs and duplicate training and to establish a unified approach to war crimes training, which would incorporate ICTY best practices, among all donors in country. Separately, on July 27, OPDAT met with a representative of OKO, the criminal defense unit at the State Court, to discuss training in war crimes cases for criminal defense lawyers, who are sorely in need of training.

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